

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Tak Chun Yip *et al.*
Title: **SERUM BIOMARKERS IN LUNG CANCER**
Appl. No.: 10/539,291
Filing Date: 4/7/2006
Examiner: Jerry Lin
Art Unit: 1631
Confirmation
Number: 2464

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Office Action dated July 21, 2008, concerning the above-referenced patent application. Applicant believes no additional payment is required for filing this response. If this is incorrect, however, the Commissioner is authorized to make appropriate charges or credits to Deposit Account No. 19-0741 to provide exact payment.

In the Action, the examiner asks for a clarification of applicant's species election. For purposes of a complete response, applicant elects biomarker WM-477 as a species and notes that each of the elected claims reads thereon. Applicant continues to traverse the restriction, however, for the reasons noted in the Response submitted on April 30, 2008, which is hereby incorporated by reference.

Applicant awaits receipt of the initial Office action on the merits. The examiner is invited to contact the undersigned directly, should he feel that weighing of any particular issue would advance the present case.

Respectfully submitted,

Brian M. Lashin

Date 12 August 2008

By Reg. No. 48,571

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

for Stephen A. Bent
Attorney for Applicant
Registration No. 29,768